



An
Bord
Pleanála

Inspector's Report

ABP-311454-21

Development	Erection of a 18m high telecommunications monopole carrying antennas and dishes and associated telecommunications equipment.
Location	EIR EXCHANGE, CARRICKBOY, BALLYSHANNON
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2151417
Applicant(s)	Eircom Ltd (t/a eir)
Type of Application	Planning Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party Appeal
Appellant(s)	Eircom Ltd (t/a eir)
Observer(s)	None
Date of Site Inspection	23 rd November 2021
Inspector	Susan Clarke

1.0 Site Location and Description

1.1. The site is located at the Eir Exchange, Carrickboy, Ballyshannon in county Donegal and measures 0.03ha. The site is located next to a roundabout at the junction of the R936 and Main Street, south of Allingham Bridge (a designated Protected Structure) in the town centre. The site contains storage buildings and has a hedgerow along its northern boundary. There are mature trees approximately 10m east of the site on neighbouring lands, which limit views from the site of the Erne hydro-electric scheme located further east on the River. The location for the proposed telecommunication monopole on the Eir Exchange site is approximately 2m lower than the R936 street level. The area immediately north of the site (on the southern side of the R936) provides public seating with views of Ballyshannon Clock Tower, Allingham Bridge and the banks of the river Erne. The area is characterised by a mix of retail, commercial, residential, and recreational land uses.

2.0 Proposed Development

2.1. The proposed development consists of:

- Erection of a 18m telecommunications monopole with operators' equipment and lighting resulting in an overall height of 19m,
- Provision of new ground equipment cabinets, and
- Associated site development works.

3.0 Planning Authority Decision

3.1. Decision

A Notification of the Decision to Refuse Permission was issued on 27th August 2021 for two reasons:

1. The subject site is located within the settlement framework of Ballyshannon. It is a policy of the Council under TC-P-3 of the County Development Plan 2018-2024 (as varied) that *'New telecommunications antennae and support structures shall be located in accordance with the provisions of the Telecommunications*

Antennae and Support Structures, Guidelines for Planning Authorities 1996...and...shall not normally be favoured within/beside archaeological sites and other monuments'. Having regard to the location, height and scale of the proposed telecommunications structure, it is considered that the proposed development would constitute a visually obtrusive feature in the historic landscape that would dominate the urban setting and adversely impact on the historic and archaeological buildings and structures in the area and that to permit development as proposed would contravene Policy TC-P-3 of the County Donegal Development Plan 2018-2024 (as varied) and the proper and sustainable planning of the area.

2. On the basis of the information submitted and in particular in the absence of a photomontage of the proposed development and any detail pertaining to improved coverage, and to an insufficient examination of alternative sites, it is considered that to permit the proposed development would be contrary to 1996 National Guidelines and Development Plan policy and thereby contrary to the proper and sustainable planning of Ballyshannon.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is consistent with the decision of the Local Authority.

The Planning Officer considered that on the basis of the information submitted the Applicant has not clearly and definitively demonstrated the rationale for the development or for the location selected. In addition, it is stated that the mast will visually dominate views and relies on mature trees that are outside the control of the Applicant for screening and refusal is recommended for this reason.

3.2.2. Other Technical Reports

- Executive Engineer: No comments received.
- Building Control (6th August 2021): No objection subject to condition.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (27th July 2021): No observations to make.
- An Taisce: No comments received.
- Department of Culture, Heritage and the Gaeltacht: No comments received.

3.4. Third Party Observations

No third-party observations were made to the Local Authority in respect of the proposed development.

4.0 Planning History

DCC Reg. Ref. 95904: permission granted for the erection of boundary wall and palisade fence along the north and west side of telephone exchange on 21st August 1995.

5.0 Policy Context

5.1. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

These Guidelines set out the criteria for the assessment of telecommunications structures. Section 3.2 of the Guidelines sets out that an authority should indicate in their Development Plan any locations where telecommunications installations would not be favoured or where special conditions would apply.

The Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation. In urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. The Guidelines state proximity to listed buildings, archaeological sites and other monuments should be avoided.

The visual impact is among the more important considerations to be considered in arriving at a decision on a particular application. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes. The sharing of installations and clustering of antennae is encouraged, as co-location would reduce the visual impact on the landscape according to Section 4.5 of the Guidelines.

5.2. Circular Letter PL07/12

The Circular Letter revises elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances,
- avoid inclusion in development plans of minimum separation distances between masts and schools and houses,
- omit conditions on planning permission requiring security in the form of a bond/cash deposit,
- reiterates advise not to include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- future development contribution schemes to include waivers for broadband infrastructure provision.

5.3. Donegal County Development Plan 2018 to 2024

5.3.1. Telecommunication Infrastructure

Section 5.3 of the Development Plan sets out policies and objectives in relation to telecommunications. The overall aim is to facilitate the development of high quality and sustainable telecommunications networks for the county as a critical element to support growth in all areas of the economy and increase the quality of life for the people of Donegal.

Policy TC-P-1 states it is the policy of the Council to facilitate the deployment of the National Broadband Plan, the National Subvention Plan to deliver high speed broadband to every rural household outside the commercially served areas as defined

on the National Broadband Plan Map and similar projects, subject to any constraints arising from international/national environmental designations and the proper planning and sustainable development of the area.

Policy TC-P-3 states it is the policy of the Council to require the co-location or replacement antennae and dishes on existing masts and co-location and clustering of new masts on existing sites, unless a fully documented case is submitted for consideration along with the application explaining the precise circumstances which militate against co-location and/or clustering. New telecommunications antennae and support structures shall be located in accordance with the provision of the Telecommunication Antennae and Support Structures – Guidelines for Planning Authorities 1996 (or as may be amended) and they shall not normally be favoured within areas of especially high scenic amenity, beside schools, protected structures or archaeological sites or other monuments. Within towns and villages operators shall endeavour to locate in industrial estates where possible.

5.4. Ballyshannon Local Area Plan 2018-2024

5.4.1. Land Use Zoning

The site is subject to a “Town Centre” zoning objective under the LAP.

Policy BY-TC-1: It is a policy of the Council to facilitate the renewal and regeneration of brownfield, vacant, derelict and underutilised lands within the defined town centre subject to demonstration that the proposal is (i) in keeping with the historic environment (ii) will integrate effectively with surrounding land uses and that there will be no overdevelopment of the site (iii) that the development is appropriate in its context and setting and that scale, massing, footprint and height is appropriate and that it does not detract from the character, amenity and design of the surrounding neighbourhood including the character and amenities of surrounding buildings and (iv) that the development would otherwise comply with all other relevant policies of the LAP.

Policy BY- TC-2: It is the policy of the Council to protect the character and integrity of the ‘Areas of Townscape Character’, including the promotion of a higher quality built environment and to carefully consider all elements, which make this up including lighting, benches, paving, bins, signage, parking, wirescape as examples and to do so in accordance with the principles set out in Policy BY-EH-2 contained in section 6.9.3.

5.4.2. Protected Structures and Areas of Townscape Character

Allingham Bridge is the closest designated Protected Structure to the site. The site immediately abuts an Area of Townscape Character to the south.

Objective BY-EH-2: It is an objective of the Council to manage Ballyshannon town centre through a heritage-led approach including the conservation of the historic environment, townscape and civic space/public realm.

Objective BY-EH-4 requires the Council to collaborate with the local community and the private sector to identify and implement measures to enhance the character and townscape quality of the 'Area of Townscape Character.'

5.5. Natural Heritage Designations

- None.

6.0 The Appeal

- Permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, Guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government – Section 37(2)(b)(iii).
- There is not an alternative existing mast to collocate with, or cluster within the town. The subject site is the last resort. The proposed monopole will have the capacity to facilitate site sharing with third party operators.
- Eir has a requirement to improve its services in Ballyshannon. The exchange is a strategic location to ensure and provide the offered services.
- As the northern side of the town rises in height, it is therefore submitted that the better side of the town to locate any new structure is on the southern side which avoids any conflict with the Clock Tower.
- The Eir Exchange site is approximately 2m below the level of the road and therefore it is submitted the compound won't be seen, and the height of the

tower compared to the road is therefore nearer 16 metres. The base of the monopole and associated cabinets are effectively hidden.

- The proposal complies with Section 4.3 of the 1996 Telecommunication Guidelines with regard to visual impacts.
- The streetscape comprises many buildings, lamp poles and other man-made structures all part of the town and it is submitted that these will hide the proposed monopole or where a section may be visible any views will be intermittent.
- A communication's mast is essential to ensure services are available for the Town's development. The central location proposed is the best place to provide these services.
- The proposal will not be an obtrusive feature in the historic landscape that would dominate the urban setting and adversely impact on the historic and archaeological buildings and structures in the area.
- These structures are relatively common and accepted in landscapes.
- The proposed development meets changes in lifestyle as a result of Covid 19.

6.1. Planning Authority Response

Donegal County Council issued a response to An Bord Pleanála in respect of the First-Party Appeal on 20th October 2021. In summary, the Local Authority reiterated its reasons for refusal and stated that it is not convinced that the visual impact of the mast would not constitute a visually obtrusive feature in the historic landscape by virtue of its size and design and considers that it would have an unacceptable visual impact on the historic and archaeological buildings and structures in the area.

7.0 Assessment

Having examined the application details and all other documentation on file, including the First-Party Appeal and Local Authority Response, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

1. Site Selection,
2. Visual Impact and Siting, and
3. Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. Site Selection

The Applicant states that eir needs to significantly improve its 3G and 4G provision in Ballyshannon and that there is a need for a robust, purpose-built structure at the eir compound. Section 4.5 of the Telecommunication Guidelines and Policy TC-P-3 of the Development Plan encourage the sharing of installations and clustering of antennae. In this regard, the Applicant examined three sites: Main Street Td, and ESB Compound Td which both have existing antennae, and the subject site (which is considered to be the last resort).

In respect to Main Street Td it is stated that the site will not achieve eir's technical objectives as outlined above. However, I note that no further technical explanation for this reasoning is provided. The Applicant argues that the ESB Compound Td is 1.18km from the town centre (c. 935m southeast of the subject site) which is too great a distance to allow eir achieve the coverage objective in the town centre. On the contrary, the Applicant states that areas of poor coverage on the southern outskirts of the town will benefit from the proposed development at the subject site. However, there are no coverage maps submitted with the application to establish existing service deficiencies and the potential improvements that would be facilitated by the development to support the arguments made by the Applicant. Such mapping may provide greater clarity as to why the alternative sites were ruled out in favour of the subject site. Policy TC-P-3 states that the Council require the co-location or replacement antennae and dishes on existing masts and co-location and clustering of new masts on existing sites, **unless a fully documented case is submitted for consideration along with the application explaining the precise circumstances which militate against co-location and/or clustering**. In this instance, whilst there was some examination of the potential to share or cluster with existing structures, it is limited in my view.

The Telecommunication Guidelines and Policy TC-P-3 of the CDP advise that within towns and villages operators shall endeavour to locate in industrial estates where possible. The subject site is located in the heart of the town centre. The Applicant argues that the site is already developed to a certain extent and that significant synergies may be achieved where eir's overground and underground infrastructure converges at the site. The technical details of same are not provided. Many such structures across the Country are not located on exchange sites and as such while there may be synergies from the co-location of the exchange site and monopole, I understand that this is not a fundamental requirement for the operation of the proposed infrastructure. The First-Party Appeal states the proposal is economical for the business and avoids the need for alternative development in the area.

Except for the Main Street Td and ESB Compound Td sites, which were examined from a clustering perspective, no other new sites appear to have been examined. Furthermore the Appeal states that "bearing in mind the nature of the town, its buildings and road network, alternative sites are not available". I do not consider the subject site being selected by default, particularly when it does not have an existing monopole/lattice tower, to be a reasonable justification for the proposed development. I consider the primary reason for the subject site being selected appears to be ownership and I am not convinced that other sites, in particular those south of the town centre, cannot the provider's requirements.

In conclusion, I do not consider that a reasoned justification for the development at this location in the town centre has been provided.

7.2. Visual Impact and Siting

The Applicant states as the proposed location is already an existing eir compound, it is already developed to a "certain extent" and as a result further development of the site would not change the landscape significantly and so visual amenity and landscape character would be adversely impacted.

The site is located in the town centre in a relatively exposed position next to the roundabout at the junction of the R936 and Main Street. The 'Town Centre' zoning extends for c. 130m to the south and c. 500m to the north of the site. The site is located approximately 50m south of Allingham Bridge (a designated Protected Structure).

Furthermore, the site abuts an Area of Townscape Character. Objective BY-EH-4 requires the Council to collaborate with the local community and the private sector to identify and implement measures to enhance the character and townscape quality of the 'Area of Townscape Character.' In addition, the site is located next to the greenway along the River Erne. As such, the proposed development is located on a prominent site in the built-up section of the town centre.

The Applicant argues that buildings, lamp poles and other man-made structures will hide the proposed monopole or where a section may be visible any views will be intermittent. Whilst there may be some merit in this argument, in my opinion due to the size and scale of the proposed structure, the monopole will not integrate successfully into the townscape. This is particularly evident in Viewpoints 3 and 5 submitted with the First-Party Appeal.

The site is located approximately 2m below the level of the road, which will alleviate the visual impact of the lower section of the monopole and associated cabinets. Furthermore mature vegetation on a neighbouring site will mitigate views of the proposed development when viewed along the R936 in a western direction. However, as highlighted by the Local Authority, there is no guarantee that this vegetation will remain in situ on the Third-Party lands. Due to the built-up nature of the buildings, ground levels, and narrow street profile along West Port and East Port, I do not consider that proposed monopole will be overly dominant in this part of the town.

Notwithstanding that the site is located south of the River and on lower ground than the Clock Tower, the monopole will be visible over a wide surrounding area particularly when viewed along the greenway and R936 and when travelling south on Main Street in proximity to Allingham Bridge (see Viewpoint 2). As stated above, there is public seating with views of the Bridge and riverbanks located immediately next to the location for the proposed monopole. In my opinion, the monopole will form an obtrusive feature at Allingham Bridge, which is a prominent vantage point in the town and would negatively impact the setting and character of the townscape.

In summary, I do not consider that permission should be granted for reasons relating to the siting and visual impact of the proposed development.

7.3. Appropriate Assessment

Having regard to the existing development on site, the nature and scale of the proposed development, the nature of the receiving environment, that no emissions or pollutants will be generated by the development, and the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

Due to the prominent position of the proposed development in the town centre and in close proximity to Allingham Bridge (a Protected Structure) and recreational areas, and the excessive height and scale of the monopole, it is considered that the proposal would seriously detract from the visual amenities of the area and would contravene Policy TC-P-3 of the County Donegal Development Plan 2018-2024 (as varied). Furthermore, it is considered that, on the basis of the documentation submitted with the application and the appeal, the Applicant has not provided evidence of the need for the proposed telecommunications structure at this location, or that possible opportunities for co-location do not exist in the surrounding area. Accordingly, the proposed location on a prominent site in the town centre, which is in close proximity to Allingham Bridge and the recreational area along the River Erne, has not been justified as a 'last resort' in accordance with the requirements of the guidelines for Planning Authorities relating to 'Telecommunications Antennae and Support Structures' which were issued by the Department of the Environment and Local Government in July, 1996. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Susan Clarke
Planning Inspector

13th December 2021